App. F. IX-4

1940

Previous References

193 .
( )
Legis.

File No. 2-40

Serial Nos. 22

Later References.

(7)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for September 1940

SUBJECT.

Amendment to Defence of India Rules.

WD 0573—GPB—22,500—12-9-39

Serial No.

OFFICE OF THE
FIRST
SEP 13 1940
No. 2548

From

The Secretary to the Hon'ble the Raiders

F 3-40/39 dated 4. Sept-40

forwards certain amendments which are just & desirable in the Defence of India Rules.

As on previous occasions these rectifications will be republished in the Ordinary Gazette.

Submitted with a draft

Sd/ 10.9.40

for approval

JMM 11/9

(Law Secy)

May be republished

(I Member)

Hm 2 13/9/40

JMM 13/9

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TYPING SECTION
14 SEP 1940
GEN. & REV. SECTT.

JMM 14/9/40

Hm 2 14/9/40

Issue

JMM 14/9

Issued rectification no. P 1637 Legis 2-40-22 dt. 19.9.40 to the Ordinance.

B

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

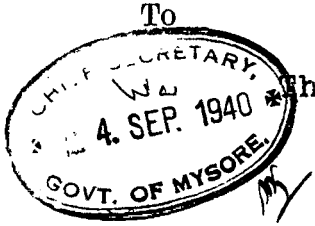
16/9/940

Ndb F.3-40/W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To



The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 4th Septr ~~August~~ *1940.*

The Defence of India Rules.

SIR,

I am directed to draw the attention of the Government of Mysore to the notifications by the

1. No.482-OR/40, dated the 10th August 1940.	Government
2. No.16-OR/39, dated the 10th August 1940.	
3. No.368-OR/40, dated the 10th August 1940.	of India,
4. No.547-OR/40, dated the 17th August 1940.	
5. No.541-OR/40, dated the 10th August 1940.	Defence Co-

ordination Department noted in the margin, copies of which are enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 28th August 1940.

The following notifications of the Government of India, Defence Co-ordination Department, are republished.

D. H. BISCOE,
for *Secretary to the Resident.*

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 482-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In clause (c) of sub-rule (1) of rule 9 of the said Rules, after the word "therein", the words "or in the vicinity thereof" shall be inserted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 16-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For rule 13 of the said Rules, the following rule shall be substituted, namely :—

"13. (1) Save as hereinafter provided, no person shall make any signal, either visually or otherwise, in such circumstances as show that the signal— **Prohibition of signalling.**

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(b) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or

(c) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of British India:

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by or on behalf of the Central Government, or of any signal for the purpose only of saving life, or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a State at war with His Majesty.

(2) No person shall make any signal, either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of His Majesty's Forces or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 368-OR/40.—In exercise of the powers conferred by section 2 of the Defence of Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the ving further amendment shall be made in the Defence of India Rules, namely :—

To clause (b) of sub-rule (2) of rule 14 of the said Rules, the following shall be added, namely :—

"or which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule 13."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 17th August 1940.

No. 547-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After clause (b) of sub-rule (1) of rule 62 of the said Rules, the following clause shall be inserted, namely :—

"(bb) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried in connexion with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise;"

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 541-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For rule 107 of the said Rules, the following rules shall be substituted, namely :—

Supervision of suspected business.

"107. If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector of Enemy Firms may for the purpose of such supervision exercise all or any of the powers mentioned in rule 106, and such other powers as may from time to time be conferred on him by the Central Government.

Supervision of firms suspected to be enemy firms.

107-A. (1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector of Enemy Firms may—

(a) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule 106;

(b) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;

(c) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;

(d) himself carry on the business of the firm if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose."

A. DEC. WILLIAMS,
Secretary to the Government of India.

344 (3)—4-9-1940—10—RPB.

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The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.3-40/W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 14th September *1940*.

CHIEF SECRETARY 14 SEP. 1940 GOVT. OF MYSORE

JMRW 16/9

THE DEFENCE OF INDIA RULES.

SIR,

I am directed to draw the attention of the Government of Mysore to the notifications by the Government of India, Defence Co-ordination Department Nos.527-O.R./40, 538-O.R./40 and 494-O.R./40, dated the 31st August 1940, copies of which are enclosed.

I have the honour to be,
Sir,
Your most obedient servant

for SECRETARY TO THE RESIDENT.

VN

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 11th September 1940.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 527-OR/40, 538-OR/40 and 494-OR/40, dated the 31st August 1940, are republished.

D. H. BISCOE,
for *Secretary to the Resident.*

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 527-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 26 of the said Rules :—

(1) in sub-rule (5), after the words " under such conditions ", the words " as to maintenance, discipline and the punishment of offences and breaches of discipline ", shall be inserted, and

(2) the following sub-rule shall be inserted after sub-rule (5), namely :—

" (5A) Where the power to determine the place of detention is exercisable by the Provincial Government, the power of the Provincial Government shall include power to determine a place of detention outside the Province :

Provided that—

(a) no such place shall be determined save with the previous consent of the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, of the Central Government ;

(b) the power to determine the conditions of detention shall be exercised by the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, by the Central Government."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 538-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After clause (a) of sub-rule (1) of rule 52 of the said Rules, the following clause shall be inserted, namely :—

" (aa) for the screening of any lighting apparatus whether for the time being alight or not, carried on, or attached to, any specified class of vehicles ; "

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 494-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 90 of the said Rules—

(a) for sub-rule (1) the following sub-rule shall be substituted, namely :—

" (1) In this rule—

(i) the expression " coin " means coin which is legal tender under the Indian Coinage Act, 1906 ; and

(ii) the expression " note " means a Reserve Bank of India note, a currency note of the Government of India, or a Government of India one rupee note issued under the Currency Ordinance, 1940."

(b) in sub-rule (2)—

(1) in clause (a), for the words " Reserve Bank of India note or currency note of the Government of India ", the word " note " shall be substituted :

(2) in clause (b) and (c), the words " such " shall be omitted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

510 (1)—14-9-1940—15—RPB.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P1637 Leg: 2-40-22 General and Revenue Secretariat,

Dated Bangalore, 14th September/~~xxx~~ 1940.

NOTIFICATION.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV and sending 100 spare copies to this office very early.

Tsn/10.